

Proposed Amendment of Rules 7.204,
7.210, 7.211, 7.212, and 7.216
of the Michigan Court Rules

[The present language would be amended as indicated below by underlining
for new text and strikeovers for text that would be deleted.]

Rule 7.204 Filing Appeal of Right; Appearance(A) - (G)[Unchanged.]

(H) Docketing Statement. In all civil appeals, within ~~28~~ 14 days after the claim of appeal is filed, the appellant must file ~~two copies~~ one copy of a docketing statement with the clerk of the Court of Appeals and serve a copy on the opposing parties.

(1) - (4) [Unchanged.]

Rule 7.210 Record on Appeal

(A) [Unchanged.]

(B) Transcript.

(1) Appellant's Duties; Orders; Stipulations.

(a)-(b) [Unchanged.]

(c) In an appeal from the circuit court in any action that relates solely to an order granting or denying summary disposition in whole or in part, or an order on motion for reconsideration thereof, only that portion of the transcript concerning the order appealed from need be filed. The appellee may file additional portions of the transcripts.

(c)-(e) [Renumbered (d)-(f), otherwise unchanged.]

(2) [Unchanged.]

(3) Duties of Court Reporter or Recorder.

(a) [Unchanged.]

- (b) Time for Filing. The court reporter or recorder shall give precedence to transcripts necessary for interlocutory criminal appeals and custody cases. The court reporter or recorder shall file the transcript with the trial court or tribunal clerk within

(i)-(ii) [Unchanged.]

- (iii) 42 days after it is ordered in any other interlocutory criminal appeal, ~~or custody case, or appeal that relates solely to an order granting or denying summary disposition in whole or in part;~~

(iv) [Unchanged.]

The Court of Appeals may extend or shorten these time limits in an appeal pending in the Court on motion filed by the court reporter or recorder or a party.

(c)-(g) [Unchanged.]

(C) - (F) [Unchanged.]

- (G) Transmission of Record. Within ~~24~~ 14 days after the briefs have been filed or the time for filing the appellee's brief has expired, or when the court requests, the trial court or tribunal clerk shall send to the Court of Appeals the record on appeal in the case pending on appeal, except for those things omitted by written stipulation of the parties. Weapons, drugs, or money are not to be sent unless the Court of Appeals requests. The trial court or tribunal clerk shall append a certificate identifying the name of the case and the papers with reasonable definiteness and shall include as part of the record:

(1)-(3) [Unchanged.]

(H)-(I) [Unchanged.]

Rule 7.211 Motions in the Court of Appeals

(A)-(B) [Unchanged.]

(C) Special Motions. [Unchanged.]

(1)-(7) [Unchanged.]

- (8) Vexatious Proceedings. A party's request for damages or other disciplinary action under MCR 7.216(C) must be contained in a motion filed under this rule. A request that is contained in any other pleading, including a brief filed under MCR 7.212, will not constitute a motion under this rule. A party may file a motion for damages or other disciplinary action under

MCR 7.216(C) at any time within 21 days after the date of the order or opinion that disposes of the matter that is asserted to have been vexatious.

(D)-(E) [Unchanged.]

Rule 7.212 Briefs

(A) Time for Filing and Service.

(1) Appellant's Brief.

(a) Filing. The appellant shall file 5 typewritten, xerographic, or printed copies of a brief with the Court of Appeals within

(i)-(ii) [Unchanged.]

(iii) 56 days after the claim of appeal is filed, the order granting leave is certified, or the transcript is filed with the trial court or tribunal, whichever is later, in all other criminal cases. In a criminal case in which substitute counsel is appointed for the defendant, the time runs from the date substitute counsel is appointed or the transcript is filed, whichever is later. ~~The parties may extend the time within which the brief must be filed for 28 days by signed stipulation filed with the Court of Appeals.~~ The Court of Appeals may extend the time on motion, but only for the specific time required and only for good cause shown.

(iv) 42 days after the claim of appeal is filed, the order granting leave is certified, or the transcript is filed with the trial court or tribunal, whichever is later, in all other civil cases. The Court of Appeals may extend the time on motion, but only for the specific time required and only for good cause shown.

(b) [Unchanged.]

(2) Appellee's Brief.

(a) Filing. The appellee shall file 5 typewritten, xerographic, or printed copies of a brief with the Court of Appeals within

(i) [Unchanged.]

(ii) 35 days after the appellant's brief is served on the appellee, in all other cases. ~~The parties may extend this time for 28 days by signed stipulation filed with the Court of Appeals.~~

The Court of Appeals may extend the time on motion, but only for the specific time required and only for good cause shown.

(B)-(F)-(G)-(H)-(I) [Unchanged.]

Rule 7.216 Miscellaneous Relief

(A)-(B) [Unchanged.]

(C) Vexatious Proceedings.

- (1) The Court of Appeals may, on its own initiative or the motion of any party filed under MCR 7.211(C)(8), assess actual and punitive damages or take other disciplinary action when it determines that an appeal or any of the proceedings in an appeal was vexatious because

(a)-(b) [Unchanged.]

- (2) [Unchanged.]